

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

Paul J. Frommert, et al.,

Plaintiffs,

-against-

Sally L. Conkright, et al.,

Defendants.

Civil Action No. 00-cv-6311

**MODIFICATION ORDER**

To the extent that the Decision and Order requires that a lump sum check be issued to each affected Plaintiff in the amount of benefits due, within forty-five days of the Decision and Order dated January 5, 2016, such deadline is modified as follows:

Defendants have already provided the necessary disclosure, consent and election forms typically provided to enable plan participants to receive retirement benefits under ERISA to the group of Plaintiffs and their spouses, if married, who are owed additional payments, pursuant to this Court's Decision and Order. Should any Plaintiff request additional time to complete these forms referenced herein, or request to receive his or her additional payments in the form of an annuity instead of a lump sum, the Plan Administrator may grant such requests without being in violation of this Court's Decision and Order.

For the affected Plaintiffs who request a distribution of these additional amounts, the Trustee of the Plan shall make such payments within three weeks after the receipt of the properly completed forms without being in violation of this Court's Decision and Order.

With regard to the group of Plaintiffs who are still currently employed, Defendants will provide an estimate of their recalculated benefits as of February 1, 2016, pursuant to this Court's Decision and Order, by February 19, 2016.

Should special circumstances arise which prevent Defendants from completing payment of additional amount to an affected Plaintiff, as set forth herein and in the Decision and Order, including, but not limited to, the failure of an affected Plaintiff to return the required form in a timely manner, or in the case of a Plaintiff who is or may become deceased, counsel for the parties may confer and request further modification of the Decision and Order and this Order as may become necessary.

IT IS SO ORDERED.

Date: February 10, 2016  
Rochester, New York

/s/ David G. Larimer

DAVID G. LARIMER  
United States District Judge